

IC 9-24-2

Chapter 2. Individuals Prohibited From Obtaining a License or Permit

IC 9-24-2-1

Suspended, expelled, and withdrawn students

Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-8.1-3-17.2.
- (2) Is under at least a second suspension from school for the school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.
- (3) Is under an expulsion from school under IC 20-8.1-5.1-8, IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.
- (4) Has withdrawn from school, for a reason other than financial hardship and the withdrawal was reported under IC 20-8.1-3-24(a) before graduating.

(b) At least five (5) days before holding an exit interview under IC 20-8.1-3-17(b)(2), the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian of the following:

- (1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.
- (2) If the principal determines that the reason for the student's withdrawal is not financial hardship:
 - (A) the student and the student's parent or guardian will receive a copy of the determination; and
 - (B) the student's name will be submitted to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.1; P.L.132-1995, SEC.1.

IC 9-24-2-2

Juveniles under court orders concerning controlled substance violations

Sec. 2. A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who is under an order entered by a juvenile court under IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d), IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

As added by P.L.2-1991, SEC.12. Amended by P.L.94-1996, SEC.1; P.L.1-1997, SEC.39.

IC 9-24-2-2.5

Persons under court orders concerning controlled substance violations or criminal mischief

Sec. 2.5. (a) An operator's license or a learner's permit may not be issued to an individual who is under an order entered by a court under IC 35-43-1-2(d).

(b) The bureau shall suspend the operator's license or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

As added by P.L. 94-1996, SEC.2. Amended by P.L. 1-1997, SEC.40.

IC 9-24-2-3

Persons with suspended or revoked licenses or permits; disabled or diseased persons; illiterates; failed examinees; persons failing to furnish proof of financial responsibility; dangerous drivers; exception for certain epileptics

Sec. 3. (a) The bureau may not issue a license or permit to the following individuals:

(1) An individual whose license issued under Indiana law to operate a motor vehicle as an operator, a chauffeur, or a public passenger chauffeur has been suspended, during the period for which the license was suspended, or to an individual whose license has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this chapter to take an examination unless the person successfully passes the examination.

(6) An individual who is required under IC 9-25 to deposit proof of financial responsibility and who has not deposited that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

(B) the Title IV-D agency;

ordering that a driving license or permit not be issued to the individual.

(b) An individual subject to epileptic seizures may not be denied a license under this section if the individual presents a statement from a licensed physician that the individual is under medication and is free from seizures while under medication.

As added by P.L. 2-1991, SEC.12. Amended by P.L. 125-1995, SEC.9;

P.L.133-1995, SEC.1; P.L.2-1996, SEC.224; P.L.1-1997, SEC.41.

IC 9-24-2-3.1

Conditional license; termination and renewal; suspension

Sec. 3.1. (a) If a petitioner named in an order issued under section 3(a)(8) of this chapter has a valid commercial driving license, the bureau shall not immediately suspend the driving license but indicate on the driver's record that the person has a conditional license to operate a motor vehicle to and from the person's place of employment and in the course of the person's employment.

(b) A conditional license described in subsection (a) is valid for thirty (30) days from the date of the notice sent by the bureau. If the person obtains an amended license within the thirty (30) days, the person may continue to operate a motor vehicle on the conditional license beyond the thirty (30) day period.

(c) If the person does not obtain an amended license within the thirty (30) day period, the bureau shall suspend the person's license. *As added by P.L.133-1995, SEC.2. Amended by P.L.14-2000, SEC.26.*

IC 9-24-2-4

Invalidation and revalidation of licenses; suspended, expelled, and withdrawn students

Sec. 4. (a) If a person is less than eighteen (18) years of age and is a habitual truant, is under a suspension or an expulsion or has withdrawn from school as described in section 1 of this chapter, the bureau shall, upon notification by the person's principal, invalidate the person's license or permit until the earliest of the following:

- (1) The person becomes eighteen (18) years of age.
- (2) One hundred twenty (120) days after the person is suspended, or the end of a semester during which the person returns to school, whichever is longer.
- (3) The suspension, expulsion, or exclusion is reversed after the person has had a hearing under IC 20-8.1-5.1.

(b) The bureau shall promptly mail a notice to the person's last known address that states the following:

- (1) That the person's driving privileges will be invalidated for a specified period commencing five (5) days after the date of the notice.
- (2) That the person has the right to appeal the invalidation of a license or permit.

(c) If an aggrieved person believes that:

- (1) the information provided was technically incorrect; or
- (2) the bureau committed a technical or procedural error;

the aggrieved person may appeal the invalidation of a license under IC 9-25.

(d) If a person satisfies the conditions for reinstatement of a license under this section, the person may submit to the bureau the necessary information certifying that at least one (1) of the events described in subsection (a) has occurred.

(e) Upon certifying the information received under subsection (d), the bureau shall revalidate the person's license or permit.

(f) A person may not operate a motor vehicle in violation of this section.

(g) A person whose license or permit is invalidated under this section may apply for a restricted driving permit under IC 9-24-15.

(h) The bureau shall revalidate the license or permit of a person whose license or permit was invalidated under this section who does the following:

(1) Establishes to the satisfaction of the principal of the school where the action occurred that caused the invalidation of the person's license or permit that the person has:

(A) enrolled in a full-time or part-time program of education; and

(B) participated for thirty (30) or more days in the program of education.

(2) Submits to the bureau a form developed by the bureau that contains:

(A) the verified signature of the principal or the president of the governing body of the school described in subdivision (1); and

(B) notification to the bureau that the person has complied with subdivision (1).

A person may appeal the decision of a principal under subdivision (1) to the governing body of the school corporation where the principal's school is located.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.2; P.L.132-1995, SEC.2.

IC 9-24-2-5

Hearings

Sec. 5. (a) A person whose driving privileges have been invalidated under section 4 of this chapter is entitled to a prompt judicial hearing. The person may file a petition that requests a hearing in a circuit, superior, county, or municipal court in the county where:

(1) the person resides; or

(2) the school attended by the person is located.

(b) The petition for review must:

(1) be in writing; and

(2) be verified by the person seeking review and:

(A) allege specific facts that indicate the suspension or expulsion was improper; or

(B) allege that due to the person's emancipation or dependents that an undue hardship exists that requires the granting of a restricted driving permit.

(c) The hearing conducted by the court under this section shall be limited to the following issues:

(1) Whether the school followed proper procedures when suspending or expelling the person from school, including

affording the person due process under IC 20-8.1-5.1.

(2) Whether the bureau followed proper procedures in invalidating the person's license or permit.

(3) Whether an undue hardship exists that requires the granting of a restricted driving permit.

(d) If the court finds:

(1) that the school failed to follow proper procedures when suspending or expelling the person from school; or

(2) that the bureau failed to follow proper procedures in invalidating the person's license or permit;

the court may order the bureau to reinstate the person's driving privileges.

(e) If the court finds that an undue hardship exists, the court may order a restricted driving permit limiting the petitioner to essential driving for work and driving between home, work, and school only. The restricted driving permit must state the restrictions related to time, territory, and route. If a court orders a restricted driving permit for the petitioner, the court shall do the following:

(1) Include in the order a finding of facts that states the petitioner's driving restrictions.

(2) Enter the findings of fact and order in the order book of the court.

(3) Send the bureau a signed copy of the order.

(f) The prosecuting attorney of the county in which a petition has been filed under this section shall represent the state on behalf of the bureau with respect to the petition. A school that is made a party to an action filed under this section is responsible for the school's own representation.

(g) In an action under this section the petitioner has the burden of proof by a preponderance of the evidence.

(h) The court's order is a final judgment appealable in the manner of civil actions by either party. The attorney general shall represent the state on behalf of the bureau with respect to the appeal.

As added by P.L.2-1991, SEC.12. Amended by P.L.131-1995, SEC.3.

IC 9-24-2-6

Violations

Sec. 6. A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.12.